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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,164	09/21/2000	William E. Ballachino	00-C-050 (STMI01-00050	8138

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EXAMINER	
DO, CHAT C	

ART UNIT	PAPER NUMBER
2193	

MAIL DATE	DELIVERY MODE
07/31/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 09/667,164	**Applicant(s)** BALLACHINO, WILLIAM E.	
	Examiner CHAT C. DO	**Art Unit** 2193	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 July 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires *5* months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on *24 July 2008*. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See below*. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): See below.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1-5,8-16 and 19-31*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See below.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Chat C. Do/
Primary Examiner, Art Unit 2193

Part 3(a): The applicant amended in all independent claims by inserting the term "hardware" to further define the adder cell is the hardware. In addition, the claim 1 is further amended by inserting "within said first one of said rows of adder cells". These amendment raises new issues that would require further consideration and may be additional search prior making final decision.

Part 5: The applicant argued in page 13 last paragraph to page 14 first paragraph for claims rejected under 35 U.S.C. 101 as preemption that the claims do not preempt every substantial practical application of adding two number since there are different method of computing the conditional carry-out bits.
The examiner respectfully agrees with the applicant and withdraws partial U.S.C. 101 rejection for all the claims. Thus, the claims are rejected under 35 U.S.C. 101 as they merely dsiclose series mental, logical, or mathematical steps/components for adding two arguments without disclosing a practical/physical application as clearly addressed in the rejection and responses to the previous arguments.

Part 11: The applicant argued in page 13 for claims rejected under 35 U.S.C. 101 that the claims specific operation of hardware components, thus the claims recite a pratical application rather than a mere series of mental steps/components.
The examiner respectfully submits that the addressed rejection along with responses to the previous arguments had clearly pointed out how these claims are not statutory. First of all, the implementation of mathematical opeations or abstract idea in general hardware components would not consider as statutory. Second, the current claims language does not sufficiently disclose specific hardware components for implementing the addition of two numbers as alleged by the applicant. At most, the claims mention two terms "hardware" (e.g. assuming the amendment is entered) and "pass gate". These two terms are not sufficiently distinct the claims from implementation of mathematical operations in general hardware components. Generally, all the steps within the claims are capable of implementing mentally or generally without explicitly requiring any specific hardware components as alleged by the applicant. In addition, the claims do not disclose any specific hardware components as alleged by the applicant.

The applicant argued for claims rejected under 102(b) that the cited reference by Uya fails to disclose the second adder cell within a given row genreates conditional carry-out bits Cx+1(1) and Cx+1(0) by propagating conditional carry-out bits Cx(1) and Cx(0) through first and second pass gates, respectively, wherein operand bits Ax+1 and Bx+1 are not equal. In addition, the applicant extensively argued that the interpretation of 'pass gates" are not given precise definition while making rejection. Thus, the cited reference by Uya does not dicloses the claimed invention.
The examiner respectfully submits that the above limitations are clearly addressed in the rejection wherein the pass gates are the logic gates 54-55 in Figure 2 as one of the set of pass gates. The applicant argued the general definition of the pass gate used in the rejection is improper, but the applicant did not provide what is the exact definition of the pass gate and what is the broadest definition of the pass gate in light of the specification in order to help the Examiner in examining the application. Rather providing the applicant's definition of pass gate in light of the specification, the applicant just unaccepted the used definition by the examiner. Without clearly state within the claims, the examiner can interpret any term or phrase in LIGHT of specification in order to advance the prosecution of this application.
As clearly response to the previous Office action, the examiner believes the given definition of term "pass gate" is logically and mathematically defined within the general scope and light of the specification wherein the term "pass gate" is broadly as any logic gate which would allow the input signal to pass though a given condition.